



U.S. Department of Justice

United States Attorney
Southern District of New York

USDS SDNY
DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 6/2/15

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 1, 2015

BY ELECTRONIC MAIL

The Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Centre Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Eric Saldarriaga,
15 Cr. 136 (RJS)

Dear Judge Sullivan:

The Government writes respectfully to request the Court's authorization to issue the enclosed court subpoenas, pursuant to Federal Rule of Criminal Procedure 17(c).

As the Court is aware, on March 6, 2015, the defendant waived indictment and pled guilty to the above-referenced felony Information, which charges the defendant with one count of conspiracy to commit computer hacking, in violation of 18 U.S.C. § 1030(b). As set forth in the Information, this charge stems from the defendant's use of hacking services to obtain unauthorized access to victims' email accounts. The defendant is scheduled to be sentenced on June 26, 2015.

To fulfill its obligations to notify victims of the defendant's crime under 18 U.S.C. § 3771(c), the Government respectfully requests that the Court authorize issuance of the enclosed court subpoenas, pursuant to Federal Rule of Criminal Procedure 17(c). Rule 17(c)(3) provides, in pertinent part: "After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order." Although it is unclear whether issuance of such subpoenas by the Government requires a Court order under this rule, the Government is seeking the Court's authorization in an abundance of caution.

While the Government has been able to identify some of the victims through searches of public databases, the Government has been unable to determine the identities of the users of all of the compromised email accounts. The proposed court subpoenas, therefore, seek basic subscriber information from various service providers for the email accounts that the Government has identified as possibly having been compromised as a result of the defendant's

The Honorable Richard J. Sullivan, p. 2
May 1, 2015

conduct. The Government intends to use the requested information to notify the victims that their email accounts may have been compromised, and to afford the victims an opportunity to be heard at sentencing. To protect the victims' privacy, the Government respectfully seeks authorization to have the subpoenas returnable directly to the undersigned attorney for the Government.

Accordingly, the Government respectfully requests that the Court "So Order" this letter granting the Government authorization to issue the enclosed court subpoenas, pursuant to Federal Rule of Criminal Procedure 17(c).

Respectfully submitted,

PREET BHARARA
United States Attorney

By:



Daniel S. Noble
Assistant United States Attorney
(212) 637-2239

Enclosures

cc: Peter Brill, Esq. (by electronic mail)

SO ORDERED
Dated:

5/11/15


RICHARD J. SULLIVAN
U.S.D.J.